	A1-14V
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address). M. David Ruff (SBN 222090); Mary E. Olden (SBN 109373) McDonough Holland & Allen PC, Attorneys at Law 555 Capitol Mall, 9th Floor Sacramento, CA 95814	FOR COURT USE ONLY
TELEPHONE NO.: 916,444,3900 FAX NO.: 916,442,2780	
ATTORNEY FOR (Name): U.S. ex rel. Peter A. Fuller dba Pete Fuller Construction	
NAME OF COURT: UNITED STATES DISTRICT COURT STREET ADDRESS: 501 "I" Street MAILING ADDRESS:	
CITY AND ZIP CODE: Sacramento, CA 95814 BRANCH NAME: EASTERN DISTRICT OF CALIFORNIA (Sacramento Division)	
PLAINTIFF: U.S. ex rel. PETER A. FULLER	
DEFENDANT: JAMES E. ZOUCHA	
[AMENDED PROPOSED]	CASE NUMBER.
RIGHT TO ATTACH ORDER AND ORDER FOR ISSUANCE OF WRIT OF ATTACHMENT AFTER HEARING	2:05-CV-00325-DFL-DAD
ORDER FOR ISSUANCE OF ADDITIONAL WRIT OF ATTACHMENT AFTER HEARING	
1. a. The application of plaintiff (name): U.S. ex rel. PETER A. FULLER, individually and doing but	isiness as PETE FULLER CONSTRUCTION
for ⊠ a right to attach order and order for issuance of writ of attachment □ an order for issuance of additional writ of attachment against the property of defendant (name): James E. Zoucha came on for hearing as follows: (1) Judge (name): Hon. Dale A. Drozd (2) Hearing date: June 17, 2005 Time: 10:00 a.m. ☑ Dept.: 2 b. The following persons were present at the hearing:	27 🔲 Div.: 🗀 Rm.:
(1) ☐ Plaintiff (name): (3) ☐ Plaintiffs attorne	y <i>(name)</i> : Mary E. Olden orney <i>(name)</i> : James C. Keowen
FINDINGS	, , , , , , , , , , , , , , , , , , , ,
2. THE COURT FINDS a. Defendant (specify name): James E. Zoucha is a ⊠ nat	ural person 🔲 partnership
 unincorporated association corporation other (specify): The claim upon which the application is based is one upon which an attachment may be Plaintiff has established the probable validity of the claim upon which the attachment is 	
 d. The attachment is not sought for a purpose other than the recovery on the claim upon the e. The amount to be secured by the attachment is greater than zero. f. Defendant failed to prove that all the property described in plaintiffs application is greater than zero. g. The following property of defendant, described in plaintiffs application (1) is exempt from attachment (specify): 	which the attachment is based.
(2) ☑ is not exempt from attachment (specify): See Attachment 2g	
 h. The following property, not described in plaintiffs application, claimed by defend (1) is exempt from attachment (specify): 	ant to be exempt
(2)☐ is not exempt from attachment (specify):	
i. An undertaking in the amount of: \$ 10,000.00 is required before a has has has not filed an undertaking in that amount.	writ shall issue, and plaintiff
j. A Right to Attach Order was issued on (date): October 12, 2005	pursuant to
 ☑ Code of Civil Procedure section 484.090 (on hearing) ☐ Code of Civil Procedure k. ☐ Other (specify): 	ocedure section 485,220 (ex parte)
(Continued on reverse)	

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<u>-</u>	2:05-CV-00325-DFL-DAD
ORDER	
 3. THE COURT ORDERS a. Plaintiff has a right to attach property of defendant (name): James E. Zoucha in the amount of: \$ 400,000.00 b. ☐ The property described in items 2g(1) and 2h(1) of the findings is exempt and c. The clerk shall issue ☑ a writ of attachment ☐ an additional writ of attachment ☐ an	achment in the amount stated in item 3a ch a method of levy is provided. ct to attachment under Code of treet, Oceanside, CA 92057; and 535 So.
(3) for the property covered by a bulk sales notice with respect to a bull sale of such property, described as follows (specify):	k transfer by defendant or the proceeds of
(4) for plaintiff's pro rata share of proceeds from an escrow in which de license number is (specify):	fendant's liquor license is sold. The
d, 🗵 Defendant shall transfer to the levying officer possession of	
 (1) any documentary evidence in defendant's possession of title to any p (2) any documentary evidence in defendant's possession of debt owed to (3) the following property in defendant's possession (specify): 	
NOTICE TO DEFENDANT: FAILURE TO COMPLY WITH THIS ORDER ARREST AND PUNISHMENT FOR CONTEMPT OF COURT.	R MAY SUBJECT YOU TO
e. Other (specify):	
f. Total number of boxes checked in item 3: 3	^
David F. LEU;	SIGNATURE OF JUDGE OR COMMISSIONER)

AT-120 [Rev. January 1, 2000]

SHORT TITLE: U.S. ex rel. Peter A. Fuller v. James E. Zoucha

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ATTACHMENT (Number): 2g

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1. All that real property situate in the City of Oceanside, County of San Diego, described as 131 Monroe Street, Oceanside, California 92057, and more particularly described as follows:

Lot 4 of MISSION VALLEY ESTATES UNIT NO. 8, in the City of Oceanside, County of San Diego, State of California, according to the Map thereof No. 7602, filed in the Office of the County Recorder of said San Diego County, April 16, 1973.

2. An Undivided One-Twenty Four Hundred Ninety-Ninth (1/2499) Interest in All that real property situate in the City of Solana Beach, County of San Diego, described as 535 So. Highway 101, Solana Beach, California, and more particularly described as follows:

An undivided one-twenty four hundred ninety-ninth (1/2499) interest in and to the following described real property:

<u>Parcel 1</u>: That certain real property situated in the State of California, County of San Diego, described as follows:

All that portion of SUNSET PLAZA, in the County of San Diego, State of California, according to Map thereof No. 5575, filed in the Office of the County Recorder of said County, together with that portion of the North Half of the Southwest Quarter of Section 2, Township 14 South, Range 4 West, San Bernardino Base and Meridian, In the County of San Diego, State of California, according to official plat thereof, lying North of a line that is parallel with and distant 856.9 feet at right angles Northerly from the South line of said North Half of the Southwest quarter and West of the Westerly line of State of California, recorded in Book 357, Page 499 of Official Records of said County and South of a line that is parallel with and distant 153.33 feet at right angles Southerly from the North line of said North Half of the Southwest Quarter and lying Easterly of the center line of that certain 60.00 foot strip described in Easement Deed to the County of San Diego, recorded April 11, 1963 as Document No. 62239 of Official Records and known as Sierra Avenue.

Excepting therefrom the West 100 feet of the North 181 feet of said property.

EXCEPTING FROM SAID PARCEL 1 the exclusive right to use and occupy all of the units within the "unit Types" as defined in the "Declaration of Beach Plan Solana Beach" hereinafter referred to.

PARCEL 2: THE EXCLUSIVE RIGHT TO USE AND OCCUPY A "Seabreeze [2bd-Twnhse] Unit Type", together with a right to use said unit for a period of seven days during the season in which this interest was purchased, as defined in the Declaration of Beach Plan Solana Beach recorded on November 24, 1982 as Instrument No. 82-364199 of Official Records of the County of San Diego during a "Use Period" within a "Use Year" (as the quoted terms are defined in the Declaration) together with a non-exclusive right to use the "Common Areas" as defined in the Declaration.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Form Approved for Optional Use Judicial Council of California MC-025 [New July 1, 2002] ATTACHMENT to Judicial Council Form Cal. Rules of Court, rule 962